

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

DANIEL M. FURESZ

Criminal Action No.: 10-398 (PGS)

Hon. Peter G. Sheridan

ORDER

This matter comes before the Court as a result of the Court's November 22, 2010, Order requiring defendant DANIEL M. FURESZ (Steven E. Savage, Esq., counsel) to undergo continual observation and competency evaluations by Dr. William J. Ryan, Ph.D., Forensic Psychologist; and the Court having conducted a telephone conference on December 21, 2010, with Dr. Ryan, Mr. Savage, and Assistant United States Attorney Aaron Mendelsohn to address Dr. Ryan's ability to conduct a competency evaluation with Mr. Furesz in advance of this Court's motion hearing, which is scheduled for February 3, 2010; and for good cause shown;

IT IS on this 21st day of December 2010, ORDERED as follows:

1. Defendant is currently competent to stand trial;
2. However, since his mental health condition may change, the Court hereby finds pursuant to 18 U.S.C. § 4241(a), that there is reasonable cause to believe that defendant may suffer from a mental disease or defect rendering him incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him and to assist properly in his defense;
3. Pursuant to 18 U.S.C. §§ 4241(b) and 4247(b), the defendant is hereby committed to the custody of the Attorney General for placement at a suitable facility for a reasonable period,

not to exceed thirty (30) days, in order that a psychiatric or psychological evaluation of the defendant may be completed;

4. The evaluation shall be conducted pursuant to 18 U.S.C. § 4247(c), and a report of the evaluation shall either be communicated to the Court via telephone conference or via a written correspondence with the Court with copies provided to counsel for both the defendant and the Government;

5. Pursuant to 18 U.S.C. § 4247(b), the Court hereby recommends that the defendant be committed to a suitable facility closest to the Court; and

6. Defendant shall be returned to United States Marshal custody no later than the week of January 31, 2010;

7. Pursuant to 18 U.S.C. § 3161(h)(1)(A), all time from the date of this Order under the Court's final determination of the issue of the defendant's competency is hereby excluded for the purposes of the Speedy Trial Act of 1974;

8. Defendant's Second Amendment motion shall be filed by January 7, 2011, the response of the United States to said motion shall be filed by January 28, 2011, and a hearing on said motion shall be on February 3, 2011, at 10:00 a.m.; and

9. Any additional motions shall be submitted to the Court in accordance with the schedule set forth in the Court's November 22, 2010, Order.



PETER G. SHERIDAN, U.S.D.J.

December 21, 2010